

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: March 23, 2022

Time in Court: 9:03-9:34 AM ; 9:52-11:13 AM; 11:48-1:23 PM; 1:59-3:19 PM

(TOTAL Time: 4 hrs, 47 min)

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach

Also present: Agent – Chris McCollow
Paralegal – Maddi Wachs

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Shawn Estrada, Aaron Brecher, Molly McCafferty

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial (Day 8):

Jury Trial held March 23, 2022. Testimony held and evidence entered. Further Jury Trial set for March 30, 2022, at 9:00 AM

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 1160, 1227, 1287, 1289, 1323, 1431, 1512, 1548, 1589, 1587, 1633, 1662, 2567, 5387H

Defendants: 224, 1557, 9368, 9603DD, 9909, 9925, 10029, 10224, 20020, 20029, 20043

The following exhibits are admitted into evidence:

Plaintiffs: 1227, 1287, 1323, 1431, 1512, 1548, 1589, 1587, 1633, 1662, 2567, 5387H

Defendants: 1557, 9368, 9909, 9925, 10224, 20020, 20029, 20043

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: March 23, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:03 am	Jury enters Courtroom	
		9:04 am	Court in session; Jury present	
		9:06 am	Witness #1 - Erika Cheung seated; testimony continues	
Ex. 1227		9:08 am	Government offers Ex. 1237	
EX 1227		9:09 am	ADMITTED into Evidence – Nov. 2013 Email String re New Daily Demo Schedule	
EX 1289	Obj	9:32 am	OFFERED. Withdrawn and reserved	
		9:34 am	Jury departs Courtroom; Witness #1 departs Courtroom	
		9:52 am	Court in session; Jury present	
			Witness #1 Erika Cheung present; testimony continues	
EX 1287			ADMITTED into Evidence – Nov. 2013 Email String re QC Controls for Vit. D	
EX 1323		10:14 am	ADMITTED into Evidence – Dec. 2013 Email String re QCs failing with updated Range	
EX 1431		10:22 am	ADMITTED into Evidence – Jan. 2014 Email String re QC for EDISONS	
EX 1512		10:34 am	ADMITTED into Evidence – Feb. 2014 Email String re SOPs for EDISON Total T4, Total T3, Testosterone, FSH	
Ex 1548		10:41 am	ADMITTED into Evidence – Feb. 2014 Email String re Proficiency spreadsheet, and Attachment	
EX 1589		10:50 am	ADMITTED into Evidence – Feb. 2014 Email String re New QC measure for Edisons	

TRIAL DATE: March 23, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
EX 1587	Obj	10:57 am	Government offers Exhibit 1587	
		10:58 am	Witness questioned to lay foundation	
EX 1587		11:00 am	ADMITTED into Evidence (as business record) – Feb. 2014 Email String re 3.5 Readers	
EX 1633		11:02 am	ADMITTED into Evidence – Mar. 2014 Email String re Failed QC	
		11:13 am	Court breaks for 35 min	
		11:48 am	Court in session; Jury present	
			Witness #1 Erika Cheung present; testimony continues	
EX 1160	Obj	12:01	OFFERED	
		12:03 pm	Objection sustained.	
EX 1662		12:04 pm	ADMITTED into Evidence – Apr. 2014 Email String re Follow up to previous discussion	
EX 2567	Obj	12:08	OFFERED	
EX 2567	Obj	12:10 pm	ADMITTED with limitation (Exhibit not offered for truth of matter; admitted only to indicate receipt of letter by witness) – 2015-06-26 Boies Schiller & Flexner LLP Letter to Erika Cheung re potential litigation	
EX 5387H		12:15 pm	ADMITTED into Evidence – Misc. text messages	
		12:43 pm	Defense cross-examination begins	
	EX 20043	12:30 pm	ADMITTED into Evidence – Dec. d2013 Email String re Reassignment to CLIA	
Obj	EX 10224	12:38 pm	ADMITTED with limited – Curriculum Vitae of Sharada Sivaraman, Ph.D.	
	EX 20020	12:41 pm	ADMITTED into evidence – 10/14/2013 Theranos Offer Letter to Erika Cheung	
	EX 20029	12:47 pm	ADMITTED into evidence – Theranos, Inc. At Will Employment, Confidential Information and Invention Assignment Agreement	

TRIAL DATE: March 23, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	EX 1557	1:01 pm	ADMITTED into Evidence – 2014-02-22 Pandori Email to Cheung re Task Assignments; and Attachment	
	EX 9925	1:09 pm	ADMITTED into Evidence – Theranos Standard Operating Procedure – CLIA Laboratory	
Obj	EX 10029	1:14 pm	OFFERED; Court sustains objection	
		1:23 pm	Court recesses for 36 min	
		1:15 pm	Court in session; Jury Present	
			Witness #1 Erika Cheung present; testimony continues	
Obj	EX 7603DD	2:01 pm	OFFERED. Court sustains objection. Withdrawn and preserved for later use	
Obj	EX 9909	2:05 pm	OFFERED.	
		2:06 pm	Court directs counsel to lay further foundation	
Obj	EX 9909	2:12 pm	ADMITTED into Evidence – 06/09/2011 Theranos Quality Operating Procedure – CLIA Laboratory	
Obj	EX 9368	2:19 pm	ADMITTED into Evidence – Theranos TSH – ELISA Assay Validation Report on Edison 3.X Theranos System	
Obj	EX 224	2:25 pm	OFFERED.	
		2:57 pm	Jury departs Courtroom. Witness #1 Erika Cheung release for day; testimony to continue	
			Court in session out of presence of Jury and Witnesses	
		3:19 pm	Court is adjourned	
			Further Jury Trial scheduled for March 30, 2022, at 9:00 AM	